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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,879	12/02/2003	Michael Espinosa	SPI021/106258	3349

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EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,879

Applicant(s)

ESPINOSA, MICHAEL

Examiner

Tolan Edward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-23 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-12-2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-8,11,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weschler (5,910,186) in view of Stultz (2,371,659). Weschler discloses a spine (20), support legs (30,230,330), frame connections (60,80), a carriage (22,24,32) with casters (40) and a pivot plate (50,350) for pivoting and fixing the legs in a selected orientation with respect to the spine. The frame connections (60,80) are slidable along the legs and spine. A receiver (104) at the end of spine (20) connects with a pulling device (90). Weschler discloses a spider joint (225) in figure 6 that enables connection of a plurality of legs. Regarding claim 11, Weschler shows pulling devices at either end in figure 1A. Weschler does not disclose that a spider joint is used for pulling devices. Stultz teaches a joint (42a,84) comprising a plate and receivers (84) for pulling means (61). It would have been obvious to one skilled in the art at the time of invention to provide the spider joint of Weschler for pulling devices as taught by Stultz in order to have the ability to pull the damage to the vehicle from more than one point.

Weschler discloses a spider joint for receiving multiple devices (clamp legs) used in car repair, Weschler also shows in figure 6 that a pulling device (90) is connected at

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the same point. The skilled artisan would have been motivated to apply multiple pulling devices as taught by Stultz.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weschler in view of Stultz and further in view of Celette (4,791,802). Weschler in view of Stultz does not disclose a handle. Celette teaches a handle (16). It would have been obvious to one skilled in the art at the time of invention to provide Weschler in view of Stultz with a handle as taught by Celette in order to maneuver the repair device around the shop.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weschler in view of Stultz and further in view of Widegren et al. (4,660,405). Weschler in view of Stultz does not disclose a center joint movable along the spine. Widegren teaches cross members (4,5) having receiving means (24) for receiving a pulling tower (45). The cross members are assembled as a slidable joint (figure 5) on a spine (2). It would have been obvious to one skilled in the art at the time of invention to provide Weschler in view of Stultz with slidable cross members as taught by Widegren in order to provide pulling means on a side of the vehicle.

Allowable Subject Matter

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose that there are five evenly spaced receivers in a fixed radiating relation within an arc of 180 degrees.

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Claims 15-22 are allowed. The prior art of record does not disclose exerting a pulling force from eight discrete locations including an end receiver, two intermediate receivers and five receivers in a spider joint.

Claim 23 is allowed. The prior art does not disclose that there are five evenly spaced receivers in a fixed radiating relation within an arc of 180 degrees.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525.

EDTOLAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Ed Tolan', is written over the printed name and title.